

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20933 of 2023

Arising Out of PS. Case No.-217 Year-2021 Thana- KATRA District- Muzaffarpur

1. Shaif Ali @ Shailf Ali @ Md. Saif Siddique, S/O Md. Nashim @ Nashim Akhtar @ Md. Nasim Siddique, Resident Of Village- Singhwari, P.O. Pahsaul, P.S.- Katra, District- Muzaffarpur.
2. Md. Nashim @ Naseem Akhtar @ Md. Nasim Siddique, S/O Late Hadisul Rahman @ Hadishul Haque, Resident Of Village- Singhwari, P.O. Pahsaul, P.S.- Katra, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Bela Singh, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 17-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners seek bail in connection with Katra P.S. Case No. 217 of 2021 registered on 10.09.2021 for the alleged offences under Sections 341, 323, 324, 325, 307, 379, 504 and 506/34 of the Indian Penal Code.

3. As per prosecution case, petitioners and other co-accused persons assaulted the informant on the dispute over drainage of water on the road. When the family members of the informant tried to save him, the petitioners and other co-accused persons assaulted the sons of the informant with rod, bricks, stones and sticks. They also snatched 40 kg of chicken and Rs. 27,000/- from the informant.



4. Learned counsel for the petitioners submits that the petitioners were earlier granted anticipatory bail by a Co-ordinate Bench vide order 07.12.2022 passed in Cr. Misc. No. 42182 of 2022 but the Court could not be informed that the petitioners surrendered during pendency of the anticipatory bail petition and the petition for anticipatory bail has already become infructuous. Learned counsel further submits that the petitioners are innocent and have been falsely implicated in this case. No occurrence as alleged has ever taken place and on the date of occurrence both the parties entered into a minor scuffle over a trivial issue and there was no intention to kill anyone. The petitioners and the informant are neighbours and dispute over passage was going on between them due to which the petitioners have been falsely implicated in this case. The allegations are general and omnibus. Petitioners are in custody since 17.11.2022 and charge-sheet has been submitted. Petitioners are having clean antecedent.

5. Learned APP opposes the prayer for bail submitting that the victims received serious injury on their head and allegation of assault is against the petitioners along with other co-accused persons.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that general nature of allegations are levelled against a



number of persons and also considering the clean antecedent of the petitioners along with their period of custody and submission of charge-sheet against them, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Court of Judicial Magistrate-1st Class, East Muzaffarpur, in connection with Katra P.S. Case No. 217 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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